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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/799,400

02/12/97

SASAKI

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KAMMON-3.0-0

PM82/1027

EXAMINER

LERNER DAVID LITTENBERG
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600 SOUTH AVENUE WEST
WESTFIELD NJ 07090-1497

LEV, B

ART UNIT	PAPER NUMBER
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3634

DATE MAILED:

10/27/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/799,400

Applicant(s)
Sasaki et al

Examiner
Bruce A. Lev

Group Art Unit
3634



☒ Responsive to communication(s) filed on Sep 27, 1999.

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-33 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-33 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent of Sasaki et al 8,242,526 in view of Nimiya et al 4,933,512.

As concerns claims 1-28, and 31-33, Sasaki et al disclose the invention including a closure comprising a pair of semicylindrical sleeve members 1 vertically separable surrounding a cable connection section, wherein each has an abutting joint surface on the sides through which the sleeve members are joined; end plates 3 on opposite ends of the sleeve, wherein each end plate has a sealing member (viewed as the respective edge material) integrally provided on its outer periphery extending in a circumferential direction abutting the inner surface of the sleeve, and wherein they are formed of rubber plastic material having cable guide holes 20, further, said end plate is removably fitted with an opening prevention connection member 23 extending over both sides of the slit and removably fitted with a second rigidity holding member at a central portion between the guide holes and abutted against an end wall of the sleeve; hinges and fasteners, inclusive of members 27,28,30,34, releasably hooked between and connecting the sleeve members; end plates formed with slits, inclusive of 22,25, extending from the guide holes to an outer periphery of the end plate; and guide hole caps 21 with rigidity holding members viewed as the surfaces between the cap and the holes. **What Sasaki et al do not show** is a gasket including an adhesive between the end plates and the sleeves on the outer periphery surface of the end plate

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and conforming to the outer periphery of the end plate and the sealing member. However, **Nimiya et al teach** gasket 60 including an adhesive, discussed in column 7 lines 15-20 and illustrated in figures 6a, 6b, and 7, between the end plates 40 and the sleeves 20 on the outer periphery surface of the end plate and conforming to the outer periphery of the end plate and the sealing member. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify the closure of Sasaki et al by incorporating a gasket including an adhesive between the end plates and the sleeves, as taught by Nimiya et al, in order to increase the sealing capabilities between the plates and the sleeves, and to provide a secondary sealing means between the plates and the sleeves in case the inherent sealing capabilities of the plate fail.

As concerns claims 29,30 Sasaki et al 8,242,526 in view of Nimiya et al disclose the invention as claimed except for the gasket being made of thermoplastic rubber exhibiting a penetration, elongation, and tensile stress claimed. However, the examiner takes the position that since no engineering advantages have been disclosed for forming the gasket from these exact dimensions, and since it appears that various other dimensions would work equally as well, it would have been an obvious matter of **engineering design choice**, as determined through routine experimentation and optimization, to provide Sasaki et al with the values specified.

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Response to Amendment

2. Applicants' remarks filed February 23, 1999 have been fully considered but are not deemed to be persuasive.

As concerns remarks pertaining to the applicant's end plates having a sealing member integrally provided on its outer periphery extending in a circumferential direction abutting the inner surface of the sleeve, the examiner reiterates the position that the edge portions of the end plates of Sasaki et al function as sealing members which are integrally provided on the outer periphery of the plates and extend in a circumferential direction abutting the inner surface of the sleeves.

As concerns remarks pertaining to the gasket including an adhesive between the end plates and the sleeves on the outer periphery surface of the end plate and conforming to the outer periphery of the end plate and the sealing member, the examiner reiterates the position that Nimiya et al teach the use of a gasket 60 including an adhesive between the end plates 40 and the sleeves 20 on the outer periphery surface of the end plate and conforming to the outer periphery of the end plate and the sealing member. Therefore, it would have been obvious to modify the closure of Sasaki et al by incorporating a gasket including an adhesive between the end plates and the sleeves in order to increase the sealing capabilities between the plates and the sleeves, and to provide a secondary sealing means between the plates and the sleeves in case the inherent sealing capabilities of the plate fail.

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Conclusion

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action.

Applicant's amendment, including "said end plates each integrally provided on the outer periphery surface thereof with a sealing member.." in claim 1, lines 11-14, and "said gasket arranged on the outer periphery surface of the end plate..., in claim 1, lines 28-30, necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See M.P.E.P.

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R.

§ 1.136(a).

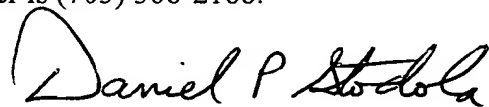
A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce A. Lev whose telephone number is (703) 308-7470.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168.

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October 26, 1999



Daniel P. Stodola
Supervisory Patent Examiner
Group 3600